

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA, <div style="text-align: center;">Plaintiff,</div> <div style="text-align: center;">vs.</div> ARTURO CURT JOHNSON an WENDY SUE BUCKHALTER, <div style="text-align: center;">Defendant.</div>))))))))))	8:05CR49 ORDER
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This matter is before the court on the motion to continue by defendants Arturo Curt Johnson (Johnson) (Filing No. 82) and Wendy Sue Buckhalter (Buckhalter) (Filing No. 84), and the motion to withdraw as counsel for Johnson by A. Michael Bianchi (Filing No. 82). Both defendants seek a continuance of the trial now scheduled for October 24, 2005. Johnson is presently a fugitive. Counsel for Buckhalter represents that Buckhalter consents to the motion and will file an affidavit whereby she consents to the motion and acknowledges she understands the additional time may be excludable time for the purposes of the Speedy Trial Act. Upon consideration, the motion to continue trial will be granted. The motion of A. Michael Bianchi to withdraw as counsel will be denied, without prejudice.

IT IS ORDERED:

1. The motions to continue trial (Filing Nos. 82 and 84) are granted.
2. A. Michael Bianchi's motion to withdraw as counsel for Johnson (Filing No. 82) is denied without prejudice.
3. Trial of this matter is re-scheduled for **December 5, 2005**, before Chief Judge Joseph F. Bataillon and a jury. The ends of justice have been served by granting such motions and outweigh the interests of the public and the defendants in a speedy trial. The additional **time** arising as a result of the granting of the motions, i.e., the time between **October 19, 2005 and December 5, 2005**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that defendants' counsel require additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED this 19th day of October, 2005.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge